UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,723	06/12/2001	Martin K. Tarvydas	INFS-1-16372	4943

20322 7590 10/22/2004

SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 850040001

EXAMINER	
RHODE JR, ROBERT E	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/880,723	TARVYDAS ET AL.	
	Examiner	Art Unit	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant amendment of 8-17-04 amended claims 10 and 47 as well as traversed rejections of Claims 1 - 47.

Currently, claims 1- 47 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 10 – 16, 22 – 24, 26, 31, 36, 39 – 40 and 45 - 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiAngelo (US 6,101,482) in view of Phillippe (US 6,643,624 B1).

Regarding claim 1 and related claims 31, 39 – 40 and 45 – 46, DiAngelo teaches a method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising:

providing a window for the consumer to browse product information from a plurality of

merchants, said plurality of merchants including a non-affiliated merchant (see at least Abstract and Col 2, lines 24 – 51);

providing a universal shopping cart link for retrieving a universal shopping cart (see at least Col 2, lines 21 – 24).

While DiAngelo does disclose a user interface to allow a consumer to order products, the reference does not specifically disclose and teach a method and system including an apparatus with computer readable medium for providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site.

On other hand and in the same area of a user interface to allow a consumer to order products, Phillippe teaches a method and apparatus with computer readable medium of providing product selection links for selecting and adding selected products to said universal shopping cart (see at least Abstract, Col 3, lines 1 – 27 and Figure 2D); and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site (see at least Abstract and Figure 3A).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provide the method and system with computer readable

medium of DiAngelo with the method, system and computer readable medium of Phillippe to have enabled a method, system and computer readable medium for providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site – in order to simplify the interface as well check out process for online shoppers. DiAngelo discloses a method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart (see at least Abstract and Col 2, lines 21 – 51). Phillippe discloses a method, system with apparatus including a computer readable medium of providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site (see at least Abstract, Col 3, lines 1 - 27 and Figures 2D and 3A). Therefore, one of ordinary skill in the art would have been motivated to extend the method, system and apparatus with computer readable medium of DiAngelo with a method, system and apparatus with computer readable medium of providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal

shopping cart without directing the consumer to a selected merchant's site. In this manner, the online shopper's satisfaction will be increased as a result of the simplified process of shopping across heterogeneous sites. With this increase in satisfaction, the probability will be increased that the online shopper will return for future shopping needs as well as recommending the site to others.

Regarding claim 2, DiAngelo teaches a method, wherein retrieving said universal shopping cart comprises determining whether an existing universal shopping cart is associated with the customer; and creating a new universal shopping cart when no existing universal shopping cart is associated with the customer (Abstract).

Regarding claim 10 and related claim 12, Phillippe teaches a method, wherein the process of injecting said product order is performed by obtaining services from a merchant's site associated with said selected product; pattern matching said services; and creating instances of parameterized service for each state that contain essential details required to navigate said merchant's site and place said product order, wherein a state is a set of methods and data that have input criteria and exit criteria for any section of the form in the check out process (Abstract and Figures 2C – 3C).

Regarding claim 11, Phillippe teaches a method, wherein said services are obtained from said merchant's site by obtaining a copy of each page of said merchant's site relating to product orders using a plurality of accounts (Figure 2D).

Regarding claim 13, Phillippe teaches a method, further comprising repeating the steps of displaying product information and adding at least one product selected by the customer to said universal shopping cart until a check out command is received from the consumer; and repeating the step of injecting at least one product order until all of the product orders have been processed (Figures 2D and 3A).

Regarding claim 14, Phillippe teaches a method, further comprising generating at least one product key each of which uniquely identifies each of the selected products and a merchant associated with the selected product (Figure 2D).

Regarding claim 15, Phillippe teaches a method, further comprising determining the minimum number of payments that are needed to pay for all of said at least one selected product (Figure 2D).

Regarding claim 16, Phillippe teaches a method, further comprising determining at least one common payment method supported by said at least one selected merchant; and paying said at least one selected merchant according to said common payment methods (Figure 2D).

Regarding claim 22, Phillippe teaches a method, wherein said product information includes information on a plurality of products of the same product type sold by a

plurality of merchants to allow the consumer to view product information and compare products of the same product type sold by different merchants using the consistent user interface (Abstract, Col 4, lines 34 – 39) and (claim 23) further comprising assigning a product key to each of said at least one selected product to uniquely identify each of said at least one selected product and a merchant associated with said at least one selected product (Col 4, lines 34 – 39).

Regarding claim 24, DiAngelo teaches a method, wherein said universal shopping cart is retrieved from a universal shopping cart database that includes consumer information and information on any previously saved product items (Abstract and Col 2, lines 21 - 51).

Regarding claim 25, Phillippe teaches a method, further comprising obtaining an order confirmation from said merchant; and notifying the consumer of said order confirmation (Figure 3C).

Regarding claim 26 and related claim 36, Phillippe teaches a method, further comprising determining shipping information from said merchant; and notifying the consumer of said shipping information (Figure 2A).

Claims 3 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Phillippe, as applied to claims 1 and 31 above and further in view of Jacobs (US 6,334,114 B1).

The combination of DiAngelo and Phillippe disclose and teach substantially the applicant's invention.

However, the combination does not specifically teach a method, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated.

On the other hand and regarding claim 3 and related claim 32, Jacobs teaches a method, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated (see at least Figure 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provided the combination of DiAngelo and Phillippe with the method and system of Jacobs to have enabled a method and system, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated – in order to be assured of the shoppers identity. The combination of DiAngelo and Phillippe discloses a

method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart; providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site. Jacobs in turn discloses a method, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated (Figure 8). Thereby, one of ordinary skill in the art at the time of the invention would have been motivated to extend the combination of DiAngelo and Phillippe to disclose discloses a method, further comprising authenticating an identity of the consumer, and exiting the product order process when said identity of the consumer cannot be authenticated. Indeed, this will increase trust in the transaction by participating merchants as well as reduce the cost of business as a result of reducing fraudulent transactions.

Claims 4 – 6, 17 – 21, 27, 31, 33 – 35, 38, and 42 - 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Phillippe as applied to claims 1, 31 and 40 above, and further in view of Ferguson (US 5,966,697).

The combination of DiAngelo and Phillippe disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method, system and apparatus with computer readable medium of retrieving reputation, authentication, minimum payments, searching for products, billing information, receiving orders at a merchant system.

On the other hand and regarding claim 4 and related claims 5 and 42, Fergerson teaches a method, further comprising retrieving reputation information on the consumer from a reputation database and sending said reputation information to said at least one selected merchant (Col 9, 54 – 65 and Col 10, line 60). Please note that a reputation of most consumers is based on and checked regarding their credit rating via a credit bureau. This checking is done both online and offline and is widely accepted by shoppers. However, the step of requesting individual online merchant's to release information about their individual online shoppers is serious privacy issue and not one that merchant's will knowingly violate by revealing information on shoppers. Indeed, this would expose the online merchant's to extreme litigation risk that would be unacceptable due to privacy violations and not a prudent step to take for any online or offline merchant – for business reasons as well as legal and ethical reasons.

Regarding claim 6, Fergerson teaches a method, wherein said step of injecting at least one product order comprises authenticating an identity of said at least one selected merchant, and injecting at least one product order to said at least one merchant associated with said at least one selected product when the identity of said at least one merchant is authenticated (Figure 8).

Regarding claim 17 and related claim 34, Fergerson teaches a method, further comprising receiving a product type criteria, and searching for information on products provided by said at least one merchant that match said product type criteria (Col 2, lines 33 – 34) and (claim 18) wherein searching further comprises querying a product database having pre-stored product information (Col 3, lines 33 – 34 and Figures 1 and 2) and (claim 19) wherein searching is conducted on the Internet (Figure 1) as well as (claim 20) wherein searching further comprises scraping at least one merchant Web site to obtain product information (Col 2, lines 33 – 34) and (claim 21) wherein scraping a merchant Web site comprises accessing said merchant Web site; searching for information on products in said merchant Web site that match the product type criteria; retrieving said information on products; and exiting said merchant Web site (Col 2, lines 33 – 54 and Col 16, lines 17 – 31). Please note that Ferguson does not specifically disclose, "scraping". However, Ferguson does disclose searching for a product, obtaining the information as well as exiting. With regard to scraping, the process of obtaining information from a site on a network using "scraping" is old and well known. Thereby, one of ordinary skill in the art at the time of the invention would have been

motivated to extend the method of Ferguson with a scraping step in order to access and retrieve the information

Regarding claim 27, Ferguson does not specifically disclose wherein the consumer is an electronic agent of a human consumer is also known as shop bots or shopping bots. In that regard, the method of using shopping bots was old and well known at the time of the applicant's invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enabled the method of Phillippe with shopping bots. In this manner, the customer satisfaction would have been increased due to the additional features to ease the applicant's shopping process.

Regarding claim 33, Fergerson teaches a method, further comprising selecting a common payment method that is common among a plurality of said selected merchants; and paying said selected merchants according to said common payment method (Col 9, lines 38 – 40).

Regarding claim 35, Fergerson teaches a method, further comprising providing billing information to the shopping site (Figure 9F).

Regarding claim 38, Fergerson teaches a method, further comprising receiving at least one order confirmation from the shopping site (Figure 8).

Regarding claim 43, Fergerson teaches an apparatus further comprising a merchant server for providing product information and receiving product orders injected by said processing unit (Abstract and Figure 1).

Regarding claim 44, Fergerson teaches an apparatus, wherein said merchant server comprises a network interface for interfacing the network; a memory for storing a purchase service program; and a processing unit that processes the product orders according to said purchase service program (Abstract and Figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of DiAngelo and Phillippe with the method and system with apparatus including a computer readable program of Fergerson to have enabled a method, system and apparatus with computer readable medium **of** retrieving reputation, authentication, minimum payments, searching for products, billing information, receiving orders at a merchant system. The combination of DiAngelo and Phillippe discloses a method, system with apparatus including a computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart; providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said

universal shopping cart without directing the consumer to a selected merchant's site. Fergerson discloses a method a method, system with apparatus including a computer readable medium of retrieving reputation, authentication, minimum payments, searching for products, billing information, receiving orders at a merchant system (Abstract and Figures 1 – 8). Therefore. one of ordinary skill in the art would have been motivated to extend the method, system and apparatus with computer readable medium of DiAngelo with a method, system and apparatus with computer readable medium of retrieving reputation, authentication, minimum payments, searching for products, billing information, receiving orders at a merchant system.

Claims 7, 8, 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Phillippe, as applied to claims 1, 31 and 40 above and further in view of alexa.com screen captures via the WayBackMachine (archieve.org) and dated Feb 29, 2000 (hereafter referred to as "Alexa").

The combination of DiAngelo and Phillippe disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method, further comprising retrieving reputation information on said at least one selected merchant from a reputation

On the other hand and regarding claim 7 and related claims 8, 37 and 41, Alexa teaches a method, further comprising retrieving reputation information on said at least one selected merchant from a reputation database (Page 2).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provided the combination of DiAngelo and Phillippe with the method and system of Alexa to have enabled a method and system further comprising retrieving reputation information on said at least one selected merchant from a reputation database – in order to provide shoppers with relative ratings on each merchant. The combination of DiAngelo and Phillippe discloses a method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart; providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site. Alexa in turn discloses a method, further comprising retrieving reputation information on said at least one selected merchant from a reputation database (Page 2). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of DiAngelo and Phillippe with a method and system comprising retrieving reputation information on said at least one

selected merchant from a reputation database. In this manner, the shoppers satisfaction will be increased due to a more complete review of a merchant and thereby increase the probability that they will recommend the site to others.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Phillippe as applied to claim 1 above, and further in view of Hoang (US 6,499,052 B1).

The combination of DiAngelo and Phillippe substantially disclose and teach the applicant's invention.

However, the combination does not specifically disclose and teach a method, wherein the process of injecting the product order is performed by determining said merchant to be an affiliated merchant; and sending said product order to said affiliated merchant according to a predetermined protocol.

On the other hand and regarding claim 9, Hoang teaches a method, wherein the process of injecting the product order is performed by determining said merchant to be an affiliated merchant; and sending said product order to said affiliated merchant according to a predetermined protocol (Col 3, lines 66 – 67 and Col 4, lines 1 – 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of DiAngelo and Phillippe with the method of Hoang to have enabled a method, wherein the process of injecting the product order is performed by determining said merchant to be an affiliated merchant; and sending said product order to said affiliated merchant according to a predetermined protocol. The combination of DiAngelo and Phillippe discloses a method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart; providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site. Hoang discloses a method, wherein the process of injecting the product order is performed by determining said merchant to be an affiliated merchant; and sending said product order to said affiliated merchant according to a predetermined protocol (Abstract, Col 3, lines 66 – 67 and Col 4, lines 1 – 4). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of DiAngelo and Phillippe with a method, wherein the process of injecting the product order is performed by determining said merchant to be an affiliated merchant; and sending said product order to said affiliated merchant according to a predetermined protocol.

Claims 28 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Phillippe, as applied to claim 1 above and further in view of Musgrove (US 6,535,880 B1).

The combination of DiAngelo and Phillippe disclose and teach substantially the applicant's invention.

However, the combination does not specifically disclose and teach a method, further comprising providing a network presence to allow the consumer to select and order said at least one product without leaving said network presence and wherein said network presence is an Internet Web site as well as wherein said network presence is a proprietary shopping site configured to receive product browsing, selection, and ordering commands from the consumer via the network.

On the other hand and regarding claim 28, Musgrove teaches a method, further comprising providing a network presence to allow the consumer to select and order said at least one product without leaving said network presence (see at least Abstract and Figure 2) and (claim 29) wherein said network presence is an Internet Web site (Figure 1) as well as (claim 30) wherein said network presence is a proprietary shopping site configured to receive product browsing, selection, and ordering commands from the consumer via the network (Abstract and Figures 1, 2 and 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have provided the combination of DiAngelo and Phillippe with the method and system of Musgrove to have enabled a method and system further comprising providing a network presence to allow the consumer to select and order said at least one product without leaving said network presence and wherein said network presence is an Internet Web site as well as wherein said network presence is a proprietary shopping site configured to receive product browsing, selection, and ordering commands from the consumer via the network – in order provide a capability that does not require the shopper to navigate back and forth between sites. The combination of DiAngelo and Phillippe discloses a method, system and apparatus with computer readable medium of providing a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants, said plurality of merchants including a non-affiliated merchant; providing a universal shopping cart link for retrieving a universal shopping cart; providing product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to a selected merchant's site. Musgrove in turn discloses a method for providing a network presence to allow the consumer to select and order said at least one product without leaving said network presence and wherein said network presence is an Internet Web site as well as wherein said network presence is a proprietary shopping site configured

to receive product browsing, selection, and ordering commands from the consumer via the network (Abstract and Figures 1, 2 and 4). In this regard, the shopper is provided a one stop shopping experience, which reduces confusion as well as increase ease of use. As a result, the shopper's satisfaction with the site will increase, which will increase the probability that they will return in the future for additional shopping.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove (US 6,535,880 B1) in view of Phillippe (US 6,643,624 B1).

Regarding claim 47, Musgrove teaches a computer readable medium having a computer executable components for providing a consistent shopping interface comprising: a search component for searching product information from at least one merchant (Col 5, lines 28 – 29); a user interface for displaying said product information (Figure 1); product order processing component for injecting at least one product order to said merchant associated with at least one product selected by a consumer without directing said consumer to said merchant's site (see at least Abstract, Col 2, lines 63 – 65, Col 3, lines 1 - 11 and Col 3, lines 40 – 53).

While Musgrove discloses a computer readable medium for providing a consistent shopping interface, the reference does not specifically disclose and teach a computer readable medium for providing a consistent shopping interface wherein said injecting includes populating an order form of said merchant related to said product order.

On the other hand and in the same area for providing a consistent shopping interface, Phillippe teaches a computer readable medium for proving a consistent shopping interface, wherein said injecting includes populating an order form of said merchant related to said product order (see at Abstract and Col 3, lines 1 – 26 and Col 7, lines 30 - 60 and Figure 2C).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the computer readable medium of Musgrove with the computer readable medium of Phillippe to have enabled a computer readable medium for providing a consistent shopping interface, wherein said injecting includes populating an order form of said merchant related to said product order – in order to lessen the confusion of the shopper. Musgrove discloses a computer readable medium having a computer executable components for providing a consistent shopping interface comprising: a search component for searching product information from at least one merchant; a user interface for displaying said product information; product order processing component for injecting at least one product order to said merchant associated with at least one product selected by a consumer without directing said consumer to said merchant's site (see at least Abstract, Col 2, lines 63 – 65, Col 3, lines 1 - 11 and Col 3, lines 40 – 53 and Figure 1). Phillippe discloses a computer readable medium for proving a consistent shopping interface, wherein said injecting includes populating an order form of said merchant related to said product order (see at Abstract

and Col 3, lines 1 – 26 and Figure 2C). Therefore, one of ordinary skill in the art would have been motivated to extend the computer readable medium of Musgrove with a computer readable medium wherein said injecting includes populating an order form of said merchant related to said product order.

Response to Arguments

Applicant's arguments with respect to claims 1 - 47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER

KEVIN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600